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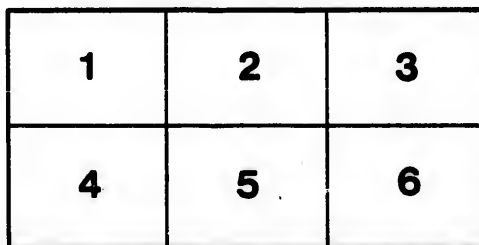
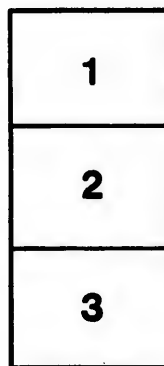
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18th CONGRESS,
2d Session.

[101]

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A further Report from the Secretary of State,

ON THE SUBJECT OF THE

Capture and Detention of American Fishermen,

THE LAST SEASON, IN

THE BAY OF FUNDY.

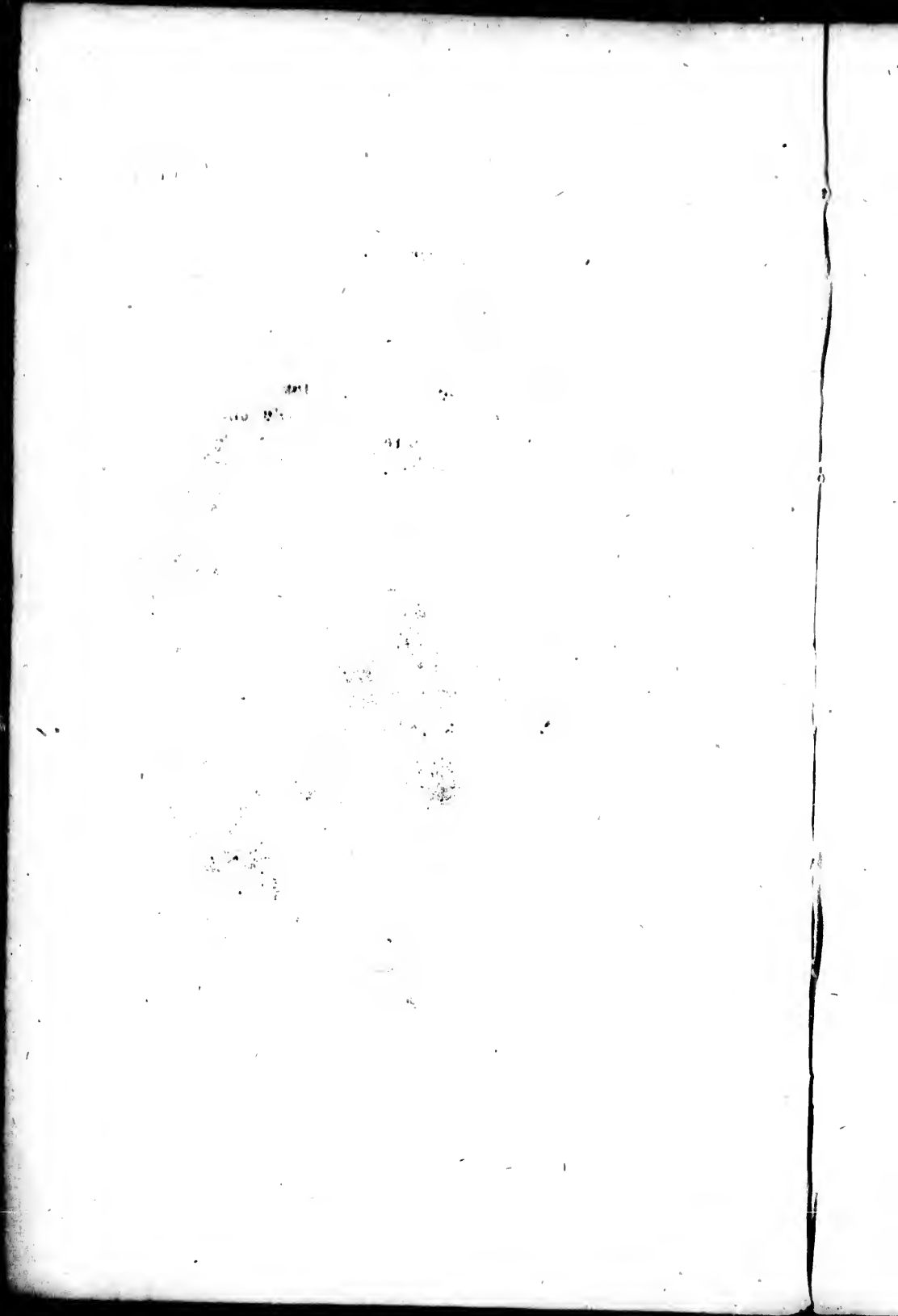
FEBRUARY 26, 1825.

Read: Ordered that it lie upon the table.

WASHINGTON :

PRINTED BY GALES & SEATON.

1825.

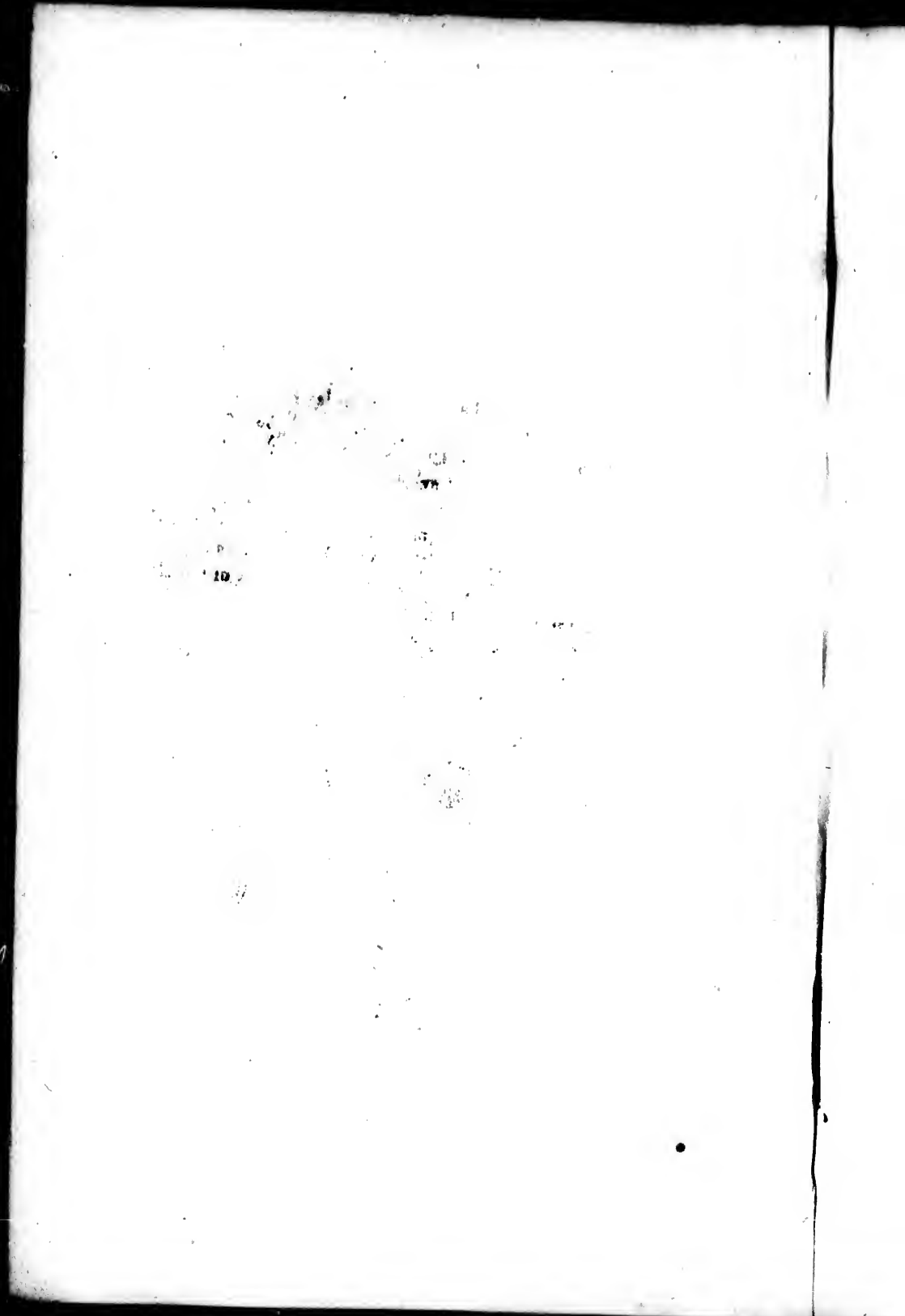


To the Speaker of the House of Representatives:

I transmit to the House of Representatives a further Report from the Secretary of State, in pursuance of their Resolution, of the 1st instant, with the papers to which it refers, upon the subject of the capture and detention of American Fishermen, the last season, in the Bay of Fundy.

JAMES MONROE.

Washington, 23d February, 1825.



DEPARTMENT OF STATE,*Washington, 23d Feb. 1825.*

The Secretary of State has the honor to lay before the President of the United States the copy of a letter, dated the 19th instant, received from Mr. Addington, Charge d' Affaires, from Great Britain, together with copies of the Papers by which it was accompanied, as offering additional information upon the subject of the capture and detention of American Fishermen, the last season, in the Bay of Fundy: all respectfully submitted to the President, as a supplement to his Report, of the 16th, pursuant to a Resolution of the House of Representatives, of the 1st instant.

JOHN QUINCY ADAMS.

Enclosures.

Mr. Addington to Mr. Adams,	-	19th Feb. 1825. [Copy.]
Evidence of Mr. Tonseau, Midshipman,		
and others, relative to the detention of		
the Rebecca.		
Same, relative to the detention of the		
schooners William, Galeon, Hero, and		
Pilgrim.		
Same, relative to the detention of the		
schooners Reindeer and Ruby.		
Mr. Jones to Capt. Hoare, of the Dotterel		8th Nov. 1824. [Copy.]
Mr. Protheroe, to the same,		9th " "
Capt. Hoare to Rear Admiral Lake,	-	25th " "

Mr. Addington to Mr. Adams.

WASHINGTON, 19th February, 1825.

SIR: On the 8th and 21st of September last, I had the honor of receiving from the Department of State, two letters in which, my good offices were requested, in behalf of certain individuals of the state of Maine, engaged in the fishing trade, who desired redress and reparation for injury done them, by the seizure of their vessels by His Majesty's Sloop Dotterel, while employed in cruising on the coasts of His Majesty's North American possessions.

I informed you, sir, in reply to these communications, that I should forthwith, address an application to the British Naval Commander in Chief, on the North American station, recommending that a full and impartial investigation should be instituted, into the various cases which formed the grounds of complaint on the part of the American Government.

I have the honor to transmit to you herewith, copies of a correspondence which took place, in consequence of my application, between Captain Hoare, commanding His Majesty's Sloop Dotterel, and Rear Admiral Lake, in reference to the cases set forth in your letters, above mentioned. The depositions of the officers and men, concerned in the capture of the Rebecca, Ruby, Reindeer, William, Galeon, Pilgrim, Hero, vessels therein enumerated, are also annexed.

By a perusal of these documents it will, I trust, sir, most conclusively appear to you that, the complainants have no just ground of accusation, against the officers of the Dotterel, nor are entitled to reparation for the loss they have sustained. That, on the contrary, they rendered themselves, by the wilful irregularity of their own conduct, justly obnoxious to the severity exercised against them, having been taken, some *flagrante delicto*, and others in such a position and under such circumstances as rendered it absolutely impossible, that they could have had any other intention than that of pursuing their avocations as fishermen, within the lines laid down by treaty, as forming the boundaries, within which such pursuit was interdicted to them.

With regard to the charge preferred against Captain Hoare, of his having converted detained American vessels, prior to their adjudication in the courts, into tenders for assisting him in his operations against the vessels of the same country, I have only to observe that that officer broadly and in the most explicit terms, denies ever having committed or authorized one such act. And in respect to the other accusation, adduced by the complainants, of maltreatment by the British officers, of those persons whose vessels had been detained. I trust, that a perusal of the inclosed papers will make it equally clear to you, that that charge is entirely unfounded.

I cannot but apprehend, sir, that the acrimony with which the proceedings of Captain Hoare have been viewed by the citizens of the state of Maine, employed in the fishing trade, on the British North

American coasts, may be justly ascribed to "the circumstance of the recent substitution of vigilance, on the part of British cruizers, for the laxity which appears to have prevailed heretofore in guarding those coasts from the intrusions of foreign fishermen and smugglers: and I doubt not that if those persons could be prevailed upon to confine themselves within the limits prescribed to them by treaty, no cause of dissention or complaint would ever arise between the individuals or vessels of the two nations.

It remains for me to observe, that in one case, in which, by the ignorance of the Midshipman employed in the service, the Territory of the United States had been violated by the pursuit and seizure of an American vessel, within the American boundaries; Captain Hoare made all the reparation in his power, for his officer's misconduct, by delivering up to the Americans the boat which had been detained, and paying all the expences incident to her detention.

I have the honor to be, with distinguished consideration, sir, your most obedient humble servant.

H. U. ADDINGTON.

Evidence of Mr. Touzeau, midshipman, and the crew of the yawl boat belonging to H. M. sloop Dotterel, relative to the detention of the American schooner Rebecca.

Mr. Touzeau, midshipman, examined, relative to the detention of the American schooner Rebecca.

Question. Were you in the yawl when Mr. Jones detained the American schooner Rebecca?

Answer. Yes.

Ques. Do you know Mr. Jones's reason for detaining her?

Ans. Mr. Jones went down to board an English schooner, and one of the men who was on board, by the name of Wright, as pilot, belonging to an American schooner, told Mr. Jones that his vessel came in for wood and water, at which Mr. Jones appeared to be satisfied; and on leaving the schooner, saw the American schooner getting under weigh, ran down and fired several shot across her bows to bring her to, she not heaving to, chased her across the Bay of Fundy. About 8 P. M. of the same day, lost sight of her. Some days after, observed the same schooner at anchor near Gull Cove, cleaning fish and heaving the gurry overboard. Mr. Jones detained her, and she was subsequently taken to St. Johns.

Ques. How was the weather?

Ans. Perfectly clear and fine weather, with a moderate breeze.

Ques. Was it fair wind to the fishing ground?

Ans. Yes—we sailed in that direction.

Thomas Richardson examined.

Ques. Do you remember the circumstances relative to the detention of the American schooner Rebecca?

Ans. Yes.

Ques. Relate all you know about her.

Ans. When we first intended to board her, she made sail from us; we then chased her over to the Nova Scotia shore, where we lost sight of her about 11 P. M. About three or four days after, we again saw her at the Grand Menan, lying about a mile from the shore, cleaning fish, throwing the gurry overboard. Mr. Jones then detained her and carried her to St. John's.

Ques. Where was she laying?

Ans. In some harbor at the Menan; but cannot recollect the name.

Ques. What quantity of wood and water do you think she had on board?

Ans. About three or four forty-gallon casks, and about two cords of wood.

Ques. How was the weather when you boarded her?

Ans. Fine weather and clear with a moderate breeze.

Ques. Do you know whether the wind was fair for the fishing ground?

Ans. Yes, the wind was fair.

Felix Shaw, private marine, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Rebecca?

Ans. Yes.

Relate what you know about her.

Ans. She came to anchor with another schooner in a small harbor in the Grand Menan. While we were lying there, the foretopsail schooner got under weigh, and we boarded her; while on board of her, the other weighed and made sail, we then made sail after her, and chased her across the Bay of Fundy over to the Nova Scotia shore, where we lost her after dark; some days after, we saw her again at anchor within a mile of the shore, near Gull Cove, throwing the gurry overboard, Mr. Jones seized her and took her to St. John's.

Ques. What quantity of wood and water had she on board?

Ans. I do not recollect.

Ques. How was the weather when you detained her?

Ans. The weather was fine and clear with a light breeze.

Ques. Was the wind fair for the fishing ground?

Ans. I do not know the position of the fishing ground.

James Lloyd, private marine, examined.

Ques. Were you in the yawl with Mr. Jones when he seized the American schooner Rebecca?

Ans. Yes, I was.

Relate what you know about the detention of her.

Ans. While lying at anchor in the harbor, I believe the Grand Menan, I saw the schooner come in and anchor, while Mr. Jones was boarding another vessel under English colors, observed the master and two men go off to the schooner and immediately got under weigh; when they got round the point of land, lost sight of her.

Ques. Where were you when you lost sight of her?

Ans. On shore, cooking the boat's crew's provisions.

Ques. How do you know it was the master who went on board the vessel?

Ans. The people at the store told me so, and said he had been there frequently, and had asked them for water, which they had refused him. His reply was, if he could not have it by fair play, he would be damned if he would not have it by foul.

Ques. When did you again see the schooner?

Ans. I never saw her again.

Ques. When did you rejoin the yawl?

Ans. Next morning.

Ques. Do you remember the schooner Rebecca being detained?

Ans. I was put on board a vessel, and, with the rest of the crew, carried her to St. John's. I believe her name was Rebecca; but am not certain.

Ques. Do you remember when this vessel was detained?

Ans. I do not exactly recollect; but believe it to be a week or more after rejoining the yawl.

Ques. What quantity of wood and water had she on board?

Ans. I believe there was then a half hogshead three parts full, and a considerable quantity of wood.

Ques. How was the weather?

Ans. Quite fine and clear, with moderate breezes.

Ques. Do you know the position of the fishing ground.

Ans. I do not.

John Cammish (S.) examined.

Ques. Were you in the yawl when Mr. Jones detained the American schooner Rebecca?

Ans. Yes.

Relate all you know about her.

Ans. The first time I saw her she was at anchor in a small harbor in the Grand Menan: and, when we made after her, she got under weigh, and we chased her, keeping her in sight, till about 11 P. M. when we lost sight of her on the Nova Scotia shore.

Ques. Did you see her again afterwards?

Ans. Yes, about three days afterwards.

Relate where she was then, and what she was doing.

She was lying in a small harbor, about four or five miles from Gull Cove, cleaning her fish.

Ques. What quantity of wood and water had she on board?

Ans. She had plenty of both when we detained her.

Ques. Do you know the quantity in casks?

Ans. Two and a half hogsheads.

Ques. How was the weather when you boarded her?

Ans. Fine weather, with a little breeze.

Ques. Do you know how the wind was?

Ans. I am not positive, but believe it was from the NW.

Richard Newland, (S.) examined.

Ques. Were you in the yawl when Mr. Jones seized the American schooner Rebecca?

Ans. Yes, I was.

Relate the circumstances.

Ans. She came in and anchored while we were lying in the Grand Menan, when, going to board her, she got under weigh and made sail: we chased her across the Bay of Fundy, over to the Nova Scotia shore, where we lost sight of her about 11 P. M. Three days afterwards, we again saw her at anchor near Beal's Passage, cleaning her fish and heaving the gurry overboard. We boarded her and took her to Gull Cove.

Question. What distance was she from the land when she was taken possession of?

Answer. About a quarter of a mile.

Question. Did you hear Mr. Jones ask what they were doing there?

Answer. Yes, and said they came in for water.

Question. What quantity of wood and water had they on board?

Answer. About two barrels and a half of water, and about a cord or cord and a half of wood.

Question. How was the weather when you boarded her?

Answer. Fine clear weather, with little breezes.

Question. Do you remember if it was a fair wind for the fishing ground?

Answer. Yes, it was.

William Vickery, marine, examined.

Question. Were you in the yawl when Mr. Jones seized the American schooner Rebecca?

Answer. Yes, I was.

Relate what you remember respecting her.

Ans. On boarding an English schooner, at or near Gull Cove, we saw another laying there: while going on board, observed another getting under weigh, and made sail; we chased her across the Bay of Fundy, and lost sight of her between nine and ten o'clock, P. M.

Question. When did you again see the schooner?

Ans. About three or four days afterwards, at anchor within Gull Cove, within half a mile of the land, cleaning fish. Mr. Jones boarded her and took possession of her.

Question. Did Mr. Jones ask what they were doing there?

Answer. Yes, he did, and they said they came for wood and water,

Question. What quantity of wood and water had they on board?

Answer. I believe, about a barrel and a half of water, and about a cord and a half of wood.

Question. How did you know it was the Rebecca?

Answer. I was informed by one of the crew, that it was the same vessel we chased across the Bay, and that they would have hove to, but did not know we were in chase of them, and that the captain said, had he not returned, but made the best of his way home, he should not have been taken.

Question. Did you fire at her to bring her to?

Answer. Yes, I was ordered by Mr. Jones to fire across her bows, and I fired several times.

Question. How was the weather when you detained her?

Answer. Fine weather with a nice breeze.

Question. Do you know if it was a fair wind to the fishing ground?

Answer. No, I do not.

John Lloyd, (S.) examined.

Question. Were you in the yawl with Mr. Jones when he seized the American schooner Rebecca?

Answer. Yes, I was.

Relate what you know of the circumstances.

When laying in Gull Cove, I heard two or three men, who I believe were fishermen belonging to the island of Grand Menan, say, that the schooner we had chased across the Bay of Fundy, two or three days before, was then at anchor between two islands, about a mile and a half round the point. We boarded her, and detained her. She was then cleaning fish.

Question. Did you hear Mr. Jones ask what they were doing there?

Answer. Yes, they said they came in for wood, water, and to land their gurry.

Question. What quantity of wood and water had they on board?

Answer. They had as much wood as would last them for a fortnight, and had a full cask of water on deck, and some below, but cannot say how much, besides beer.

Question. How was the weather when you detained her?

Answer. It was fine weather with a moderate breeze.

John Cheese (S.) examined

Ques. Were you in the yawl when Mr. Jones detained the American Schooner Rebecca?

Ans. Yes, I was.

Relate what you recollect relative to the detention of her.

We were laying along-side a wharf in a harbour, in the Menan, and observed two schooners at anchor under the land. We went out and boarded an English schooner, on board of which was a man belonging to the Rebecca, acting as Pilot; while on board, the schooner got under weigh and ran across the Bay of Fundy. We gave chase to her, and fired several shot across her bows, to bring her too; at about half past ten P. M. lost sight of her; on the fourth day

afterwards we again fell in with her at anchor in a narrow passage in the Menan, boarded her and found them cleaning their fish, and throwing the gurry overboard. Mr. Jones asked what they were doing there, they said they had come in for wood and water.

Ques. What quantity of wood and water had they on board?

Ans. Two quarter casks full on deck and some in the hold; but do not know the quantity, and had about a cord and a half of wood.

Ques. How was the weather when you detained her?

Ans. Fine weather and a light breeze.

Ques. Do you know if the wind was fair for going to the fishing ground?

Ans. Yes, it was.

We, the undersigned, have examined the aforesaid persons, belonging to His Majesty's sloop *Dotterel*, taking the minutes of their depositions respecting the detention of the American fishing schooner *Rebecca*, and we do declare, that their evidence has been taken in a very impartial manner, and the persons aforesaid have not been biased in any way whatever.

JOHN COOKE, *Senior Lieut.*

His Majesty's Sloop Dotterel:

JAMES AZZARD, *Purser, Ditto.*

RICHARD HOARE, *Commander.*

Evidence of Mr. Touzeau, Midshipman, and the crew of the yawl boat, belonging to H. M. sloop Dotterel, relative to the detention of the American fishing schooner "William."

Mr. Touzeau, Midshipman, examined relative to the detention of the American schooner "William."

Ques. Were you in the yawl when Mr. Jones detained the American schooner William?

Ans. Yes.

State the particulars.

Mr. Jones sent me with James Lloyd, marine, on a point of land to look out,—we saw two or three vessels working up; observed one of them anchor in the Gull cove. Mr. Jones went out in the small boat to board her; he hailed us to come along-side in the yawl, which we did, and found Mr. Jones had detained her. We then took their fish-knives from them, having heard by some people, both on shore, and on board some English vessels, that they would oppose us in boarding. We unbent her sails, and took them with us in the yawl: also her boat.

Ques. Do you know Mr. Jones's reason for taking her boat?

Ans. Yes: to prevent her crew going on shore to exchange fish for rum, knowing that another American fishing vessel had done the like with Mr. Fowler, at Gull Cove the same day: also to prevent their getting water, as the American fishermen generally make that a pretext for coming in.

Ques. What quantity of wood and water had she on board?

Ans. I cannot say the exact quantity, but there was sufficient for her crew and ours to carry her to St. Andrews, at which place we did not arrive till several days after her detention.

Ques. How was the weather?

Ans. Very fine with a moderate breeze; but after she anchored, it came on foggy.

Thomas Richardson examined.

Ques. Were you in the yawl with Mr. Jones, when he detained the American schooner William?

Ans. Yes.

Relate all you know respecting her.

I went with Mr. Jones in the small boat to board her: went below, and overhauled what quantity of wood and water she had on board.

Ques. What quantity of wood and water had she?

Ans. About 60 gallons of water below, and 30 on deck, and about a cord and a half of wood.

Ques. How was the weather?

Ans. The weather was moderate and hazy, but after she anchored, it came on foggy.

James Lloyd, marine, examined.

Ques. Were you in the yawl when Mr. Jones detained the American schooner William?

Ans. I cannot recollect the vessel's name, having detained several.

Felix Shaw, marine, examined.

Ques. Were you in the yawl when Mr. Jones detained the American schooner William?

Ans. Yes.

Relate the circumstances you know about her.

I cannot recollect any of the particulars, as we detained several.

John Cammish, seaman, examined.

Ques. Were you in the yawl when Mr. Jones detained the American schooner William?

Ans. Yes. Relate what you know of the circumstances. It is so long since, I cannot recollect the particulars.

Richard Newland, seaman, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner William?

Ans. Yes.

Relate what you know respecting her detention.

When we fell in with the William, she was laying in Gull Cove. Mr. Jones asked what they were doing there. They said they came in for wood and water. Mr. Jones detained her, unbent her sails,

and took them with us on shore in the yawl, and likewise took their small boat with us.

Ques. Do you know the reason why Mr. Jones unbent her sails?

Ans. To prevent her, I believe, from going to sea during the night.

Ques. What quantity of wood and water had she on board?

Ans. About three barrels of water and a cord of wood.

Ques. How was the weather?

Ans. Fine weather, with a light breeze.

Ques. Do you know the position of the fishing ground?

Ans. I do not know the bearing of it by compass, but I could see the vessels at anchor on the fishing ground.

Ques. Was the wind fair for going on it?

Ans. Yes. it was.

Ques. Were you in the small boat when Mr. Jones boarded her?

Ans. Yes, I was.

Ques. Did you hear the master of the vessel assign any reason for coming in there?

Ans. He said they came in for wood and water.

William Vickery, marine, examined.

Ques. Were you in the yawl when Mr. Jones detained the American Schooner William?

Ans. Yes, I was.

Relate what you know respecting her detention.

Ans. I observed a schooner come in and anchor within a mile of the shore. Mr. Jones went out to board her, and brought her in the Cove, and anchored.

Ques. Were you on board the schooner?

Ans. Yes.

Ques. What quantity of wood and water had she on board?

Ans. I know there was two barrels, but cannot say whether there was any more: was not down in the hold, and cannot say what wood there was.

Ques. How do you know it was the William?

Ans. I saw the "William of Addison" on her stern.

John Lloyd, seaman, examined.

Ques. Were you in the yawl when Mr. Jones detained the American schooner William?

Ans. Yes, I was.

Relate the particulars.

I was with the greater part of the crew encamped on a point of land: observed a schooner come in, and anchor. She was boarded, but cannot recollect whether it was by Mr. Jones or Mr. Touzeau.

Ques. Were you on board the schooner?

Ans. Yes, I was. I went off, and assisted in unbending her sails.

Ques. Do you remember what quantity of wood and water she had on board?

Ans. I do not perfectly recollect the quantity, but there was one cask handed up half full, which they said they were going to get filled on shore, but were prevented by Mr. Jones.

Ques. Did you hear any of the crew say their reason for coming in?

Ans. Yes: for wood and water.

Ques. How was the weather?

Ans. Fine weather, and a fresh breeze.

John Cheese, seaman, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American Schooner William?

Ans. Yes, I was.

Relate all you know about her.

Ans. I was sick in a tent on shore, and do not know any of the particulars.

William Payne, marine, examined

Ques. Were you in the yawl with Mr. Jones when he detained the American Schooner William?

Ans. Yes.

Relate all you know of the particulars.

Ans. I went on board with Mr. Jones in the small boat to examine her. Mr. Jones detained her, unbent her sails, and took them on shore.

Ques. Do you know what wood and water she had on board?

Ans. I cannot say.

Ques. Did you drink any of the water on board of her?

Ans. Yes, I did.

Ques. How was the weather?

Ans. Fine, with a strong breeze.

We, the undersigned, have examined the aforesaid persons, belonging to His Majesty's sloop *Dotterel*, taking the minutes of their depositions respecting the detention of the American fishing Schooner *William*; and we do declare that their evidence has been taken in a very impartial manner, and that the persons aforesaid have not been biased in any way whatsoever.

JOHN COOKE.

Senior Lieut. His Majesty's sloop Dotterel.

JAS. AZZARD,

Purser, His Majesty's sloop Dotterel.

Evidence of Mr. Touzeau, midshipman, and the crew of the yawl boat belonging to H. M. sloop Dotterel, relative to the detention of the American fishing schooner Galeon.

Mr. Touzeau examined.

Ques. Were you in the yawl when Mr. Jones detained the American schooner Galeon.

Ans. Yes, I was.

Relate the particulars respecting her detention.

While at Gull Cove, Mr. Jones went out one evening in a small boat to cruise. About 11 P. M. Mr. Jones returned with an American schooner which he had detained. Next morning, about 9 o'clock, Mr. Jones sent me on board the Galeon to take charge of her; about 9 o'clock we got under weigh, and made sail for St. Andrews.

Ques. Do you know Mr. Jones's reason for detaining her?

Ans. I believe for their having broken the treaty; but do not know the particulars, as I was left on shore in charge of the yawl.

Ques. How was the weather?

Ans. I believe it was a fine clear night.

Ques. What quantity of wood and water had she on board?

Ans. I cannot state the quantity; but we used from it for some days after her detention.

Ques. How was the wind?

Ans. From the Northward, and I think North by West.

Thomas Richardson examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Galeon?

Ans. Yes.

Relate what you know respecting her detention.

I went in a small boat with Mr. Jones, and pulled out of Gull Cove; boarded two English schooners, who informed us that an American schooner was lying under the land, which vessel we boarded, and found the crew below asleep. Mr. Jones asked them what they came in for: their reply was, for wood and water, and that they had got it that afternoon. Mr. Jones then asked them their reason for not going away: they said they were waiting for wind and tide. We then got her under weigh, and ran her to Gull Cove, which place lay between us and the fishing ground.

Ques. Do you know the position of the fishing ground?

Ans. Yes: I could see it from Gull Cove.

Ques. Was the wind fair for the Galeon to proceed to the banks?

Ans. Yes, it was.

Ques. Do you know the passage from Gull Cove to the fishing banks?

Ans. Yes: a clear passage outside the Black Kedge towards the banks.

Ques. What kind of weather was it?

Ans. Very fine and clear, with moderate breezes.

Ques. What quantity of wood and water had the Galeon on board?

Ans. I do not know the quantity: but observed three or four casks, and a quantity of wood.

William Payne, marine, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Galeon?

Ans. Yes.

Relate the particulars respecting her detention.

I went with Mr. Jones in a small boat in the afternoon, (the day of the month I do not remember) and boarded an English schooner, where we were informed an American fishing schooner was lying under the land: we boarded her, and found the crew all below; Mr. Jones asked them their reason for being there: they replied, they came in for wood and water. He then asked them why they did not go away when they had got it. They said they were going at day-light. We detained the schooner, and took her to Gull Cove, and on the following morning got under weigh for St. Andrew's.

Question. Do you know the position of the fishing banks?

Answer. Yes. I could see the vessel on the banks.

Ques. Was the wind fair for the Galeon to proceed to the banks?

Ans. Yes: for the banks lie nearly in a line with Gull Cove, from where we detained the Galeon.

Ques. On what quarter was the wind when you run towards Gull Cove?

Ans. Very near before the wind: we came close to the Cove, and then we hauled up into the Cove.

Ques. How was the weather?

Ans. Fine clear weather, and fresh breezes.

Ques. What quantity of wood and water had the Galeon on board when detained?

Ans. She had two casks of water on deck, and a great quantity of wood.

Felix Shaw, marine, examined.

Ques. Were you in the yawl with Mr. Jones, when he detained the American schooner Galeon?

Ans. Yes.

Relate the particulars.

I was one of the crew of the small boat that went out with Mr. Jones in the afternoon, (the day of the month I do not recollect) boarded an English schooner near Gull Cove, who said that we had better keep a good look out, or we should get a good hand-spiking from the American schooner then lying in shore. We shortly after boarded the American schooner Galeon. Mr. Jones asked them what they were doing there. They said they came in for wood and water, and had got it that afternoon. Mr. Jones asked them if they

had their wood and water, why they had not gone to sea. Their reply was, they did not think it worth while to go to sea that night, and the master requested Mr. Jones to let him go that time, and he would not come in again. We then got under weigh and took her to Gull Cove for that night. One of the crew was very abusive. We afterwards carried her to St. Andrew's.

Ques. Do you know the position of the fishing grounds?

Ans. No, I do not.

Ques. How was the wind when you ran for Gull Cove?

Ans. A fair wind, and fine clear weather.

John Lloyd, seaman, examined.

Ques. Were you in the yawl with Mr. Jones, when he detained the American schooner Galeon?

Ans. Yes.

Relate the particulars respecting her detention.

When at Gull Cove, we observed a schooner run in and anchor. We boarded her in the small boat, which proved to be English. They told us that the Galeon, American fishing schooner, was laying at an anchorage then, about three or four miles off. We then left the English schooner and boarded the Galeon. I was left as boat keeper, and cannot state what passed on board. Shortly after, she was got under weigh, and ran to Gull Cove. One of the crew of the Galeon was very abusive to us; she was afterwards taken to St. Andrew's by Mr. Jones.

Ques. Do you know the position of the fishing ground?

Ans. No I do not.

Ques. How was the wind for Gull Cove?

Ans. A fair wind.

Ques. How was the weather?

Ans. Fine clear weather.

Ques. What quantity of wood and water had the Galeon on board?

Ans. I do not know.

James Lloyd, marine, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Galeon?

Ans. I was in the yawl when he detained some American fishing-schooners, but cannot recollect their names.

John Cammish, Seaman, examined.

Ques. Were you in the yawl with Mr Jones when he detained the American schooner Galeon?

Ans. Yes.

Relate what you know respecting her.

It is so long since that I cannot recollect any particulars.

Richard Newland, Seaman, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Galeon?

Ans. Yes.

Relate what you know respecting her detention.

I was left in a tent on shore at Gull Cove, and recollect Mr. Jones going out in a small boat, and bringing the Galeon into Gull Cove.

Ques. How was the weather?

Ans. Fine weather, with a light breeze.

Ques. Did you go in the Galeon to St. Andrews?

Ans. Yes.

Ques. Do you know what quantity of wood and water she had on board?

Ans. She had four casks of water, and about two cord of wood.

John Cheese, Seaman, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Galeon?

Ans. Yes.

Relate all you know respecting her detention.

I cannot state the particulars, as I was in a tent sick on shore.

William Vickery, Marine, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooner Galeon?

Ans. Yes.

Relate what you know respecting her detention.

I was left on shore in the tent; Mr. Jones went out in the small boat, and brought in the Galeon in the evening.

Ques. How was the weather?

Ans. Fine weather.

Ques. Were you one of the crew that took the Galeon to St. Andrews?

Ans. Yes.

Ques. What quantity of wood and water had she on board?

Ans. Two casks of water on deck and one in the hold, and plenty of wood.

We, the undersigned, have examined the aforesaid persons, belonging to H. M. sloop Dotterel, taking the minutes of their depositions respecting the detention of the American fishing schooner Galeon; and we do declare, that their evidence has been taken in a very impartial manner, and that they have not been biassed in any way whatever.

JOHN COOKE,

Senior Lieut. His Majesty's sloop Dotterel.

JAS. AZZARD,

Purser His Majesty's sloop Dotterel.

RICHARD HOAKE, Commander.

Evidence of the crew of the Dotterel's tender, relative to the detention of the American fishing schooners Hero and Pilgrim.

William Payne, marine, examined.

Ques. Were you in the Dotterel's tender with Mr. S. R. Protheroe when he detained the American fishing schooner Hero and Pilgrim?

Ans. Yes.

Relate the particulars respecting their detention.

I first saw the Pilgrim about two miles from the land fishing; made the best of our way to close her, and boarded her, having live fish on her deck. Mr. Protheroe asked them what business they had to fish in our waters. They replied they thought it was not in our waters. Mr. Protheroe then said, I shall detain you, and take you to St. John's. I was directed by Mr. Protheroe to take charge of the Pilgrim, with another seaman, and to follow him; I afterward observed the tender board another schooner, which proved to be the Hero.

Ques. What distance was the Hero from the land when Mr. Protheroe boarded her?

Ans. About two miles.

State what followed after leaving the Menan.

We anchored in Beaver harbor with the Hero and Tender, and afterwards proceeded the same day and anchored in Mason's bay. Late one evening Mr. Protheroe sent us our evening's grog, and my having the middle watch I went below and laid down on the lockers to sleep. In the middle of the night I was awoke by the motion of the vessel, and endeavored to get on deck, but could not, as the companion hatch was secured down against me. I then forced it open, and went on deck, and found the vessel under weigh in the possession of the Americans. The seaman with me refusing his assistance, I was obliged to submit, and forcibly carried to Lubec, where they allowed me to go on shore. From thence I made the best of my way to St. John's, and re-joined the Dotterel.

Ques. Did you at any time hear Mr. Protheroe make use of any abusive language to the Americans?

Ans. No.

Ques. Did you hear, or know, that Mr. Protheroe at any time compelled the Americans to assist in working the vessel?

Ans. No. But they did assist with their own free will.

John Donovan, seaman, examined.

Ques. Were you in the Dotterel's tender with Mr. Protheroe when he detained the American schooners Hero and Pilgrim?

Ans. Yes.

Relate all the particulars you know relative to their detention.

We fell in with the Pilgrim while running into the Menans. I think she was about a mile and a half from the land: saw them haul-

ing up fish, and on boarding her, found live fish on her deck. Mr. Protheroe said he should detain her for fishing in our waters. We sent two men on board her to take charge. We then made sail for another schooner, which proved to be the Hero. When we boarded her she was about a mile and a half from the land with lines overboard fishing; and had live fish in the hold. Mr. Protheroe asked them what they had been doing close in shore, with their sails down. A man named Wilson, said they had been cleaning fish on shore. I was sent on board the Hero, with another man to take charge, and to follow the tender and Pilgrim, which we did, anchoring each night till our arrival in Mason's bay, at which place the Pilgrim made her escape in the night. We afterwards proceeded, anchoring each night, till we arrived at St John's.

Ques. What quantity of wood and water had the Hero on board?

Ans. Two casks of water and some wood: the quantity I cannot say.

Ques. Did you at any time hear Mr. Protheroe make use of any abusive language towards the Americans?

Ans. No. I did not.

Ques. Did Mr. Protheroe compel any Americans to work?

Ans. No, not to my knowledge, but they continued assisting the working of the vessel with their own free will.

Thomas Cassady, seaman, examined.

Ques. Were you in the Dotterel's tender with Mr. Protheroe when he detained the American schooners Hero and Pilgrim?

Ans. Yes.

Relate all the particulars.

We were running in for the Menan and boarded the Pilgrim American Schooner, about a mile or a mile and quarter from the land, fishing. Mr. Protheroe asked what business they had fishing there, as they were within three miles of the land. The answer was, they did not know they were within the limits. Mr. Protheroe detained her, and put two men on board to take charge, and we proceeded to board another schooner, which proved to be the Hero, about two miles from the land.

Ques. Did you hear Mr. Protheroe ask the master of the Hero, if he could assign any reason for being so near the land with her sails down?

Ans. Yes, but did not hear the reply.

Ques. What became of the Hero?

Ans. Mr. Protheroe sent two men on board her, to take charge, and we proceeded to Mason's Bay, anchoring each night in the tender, with the Hero and Pilgrim in company, at which place the Pilgrim made her escape in the night: afterwards we proceeded to St. John's, in the tender, with the Hero, where she was delivered over to the Customs.

Ques. Did you at any time hear Mr. Protheroe use any abusive language to the Americans?

Ans. No, I did not.

Ques. Did Mr. Protheroe compel the Americans in the tender to work?

Ans. No, he did not, but they sometimes voluntarily assisted in working the tender.

Ques. Did you at any time know Mr. Protheroe to put the Americans on one meal a day, or know them to fare worse than the tender's crew?

Ans. No, we all messed alike, having the allowance of the British Navy, excepting spirits, for part of the time, which was all used, and I know Mr. Protheroe to have frequently given them rum from his own private stock.

Thomas Russel, seaman, examined.

Ques. Were you in the Dotterel's tender with Mr. Protheroe, when he detained the American schooners Hero and Pilgrim?

Ans. Yes.

Relate all the particulars.

In running from Grand Passage to Grand Menan, observed two schooners lying at anchor, one of which got under weigh, and stood in shore. We made the best of our way to close her. I observed her with lines over-board fishing. We then boarded her, which proved to be the Pilgrim, American fishing schooner. She had at the time live fish on her deck. Mr. Protheroe detained her, and put two hands on board to take charge, she then being within a mile of the shore. Observed another schooner make sail from in shore, from the Northward: stood for her; fired, brought too, and boarded the American fishing schooner Hero. Mr. Protheroe then asked the master, what they had been doing in shore; a man named Wilson said, we have been on shore cleaning fish. Mr. Protheroe detained her. On our way to St. John's, anchored under the Eastern Wolves; as we were going in, observed two schooners about a mile off us. Mr. Protheroe hailed the Pilgrim for her boat, which was brought to us in the tender by a boy, who requested Mr. Protheroe to be allowed to pull him on board the aforesaid schooner. Mr. Protheroe with a man and the boy, proceeded to board these vessels. We then with the Hero and Pilgrim in company, proceeded for St. John's, anchoring each night, till we arrived in Mason's Bay: where the Pilgrim effected her escape during the night. Afterwards we proceeded in the tender, Hero in company, to St. John's, where the Hero was delivered up to the Custom-house.

Ques. Did you at any time hear Mr. Protheroe make use of abusive language to the Americans?

Ans. No.

Ques. Did you at any time hear Mr. Protheroe threaten to ill-use or maltreat the Americans on board the tender?

Ans. No, I did not.

Ques. Did Mr. Protheroe compel the Americans to work in the tender?

Ans. No; but they did sometimes assist voluntarily.

Ques. Did you at any time know Mr. Protheroe to put the Americans on one meal a day, or know them to fare worse than the tender's crew?

Ans. No. Mr. Protheroe never interfered about the prisoners, and we all messed alike, having the established allowance of the British navy, excepting spirits for part of the time, which had been all used; and I know Mr. Protheroe to have frequently given them rum from his own private stock.

Samuel Goodanew, marine, examined.

Ques. Were you in the Dotterel's tender with Mr. Protheroe, when he detained the American schooners Hero and Pilgrim?

Ans. Yes

Relate all the particulars respecting their detention.

In standing over from Grand Passage to Grand Menan, observed two schooners at anchor, one of which got under weigh and stood in shore; made the best of our way, and boarded the Pilgrim about two miles from the land, to the best of my judgment. I did not go on board her, but she was detained by Mr. Protheroe, and two hands put on board to take charge. We then made sail and boarded the Hero, then about a mile and a half from the shore. Mr. Protheroe inquired what they had been doing in shore with their sails down. A man by the name of Wilson said, they had been on shore cleaning their fish. Mr. Protheroe detained her, and put two hands on board to take charge. Proceeded, anchoring each night, to the Eastern Wolves. In going in, observed two schooners about two miles from us; took the Pilgrim's small boat and boarded them. Mr. Protheroe, myself, and the American boy, who [we] brought on board the boat, who was allowed to go by his own request. We then proceeded to Mason's Bay, anchoring each night, with the Hero and Pilgrim in company, at which place the Pilgrim got away during the night. We afterwards proceeded to St. John's, with the Hero in company, which vessel was delivered to the custom-house at that place.

Ques. Did you, at any time, hear Mr. Protheroe make use of any abusive language to the Americans?

Ans. No, I did not. I must have heard it had it taken place, as I never left the tender.

Ques. Did Mr. Protheroe compel the Americans in the tender to work?

Ans. No, they sometimes assisted with their own consent.

Ques. Did you, at any time, hear Mr. Protheroe threaten to ill-use or maltreat the Americans on board the tender?

Ans. No, I did not, but must have heard it had it happened.

Ques. Did you, at any time, know Mr. Protheroe to put the Americans on one meal a day, or to fare worse than the tender's crew?

Ans. No. We messed all alike, having the established allowance of the British navy, excepting spirits, which we drank during the bad weather. I know Mr. Protheroe to have given them spirits from his

own stock. I was the person who attended Mr. Protheroe, and gave the spirits to them myself, by his direction.

John Wake, mariner, examined.

Ques. Were you in the Dotterel's tender when Mr. Protheroe detained the American schooners Hero and Pilgrim?

Ans. Yes, I was.

Relate all the particulars respecting their detention.

In running from Grand Passage to the Grand Menan, observed two schooners lying at anchor; one of which got under weigh and stood in shore, which vessel was chased; observed her fishing and hauling live fish in; boarded her, which proved to be the American schooner Pilgrim. She had, at the time, live fish on her deck. Mr. Protheroe detained her, and put on board two hands to take charge of her, she then being about two miles from the shore, to the best of my judgment. We then chased another schooner which had made sail from in shore; boarded her; then about a mile and a half from the land; proved to be the Hero, American fishing schooner. Mr. Protheroe asked them what they were doing in shore; a man by the name of Wilson said, they had been on shore cleaning their fish. Mr. Protheroe detained her, and put two hands on board in charge of her. We then proceeded with the schooner to Mason's Bay, anchoring each night, when the Pilgrim made her escape in the night. We then proceeded to St. John's in the tender, with the Hero in company, at which place she was delivered over to the custom-house.

Ques. Did you, at any time, hear Mr. Protheroe make use of any abusive language to the Americans on board the tender?

Ans. No, I did not.

Ques. Did Mr. Protheroe compel the Americans in the tender to work?

Ans. No, he did not; they helped to work the tender by their own accord.

Ques. Did you know Mr. Protheroe ill-use or maltreat the Americans on board the tender?

Ans. No.

Ques. Did you know him put the Americans on one meal a day, or fare worse than the tender's crew?

Ans. No, they ate and drank with us. We had the established allowance of the British navy, except spirits, part of the time, which had been used during the bad weather. I recollect once, Mr. Protheroe giving them a part from his own private stock.

John Cole, seaman, examined.

Ques. Were you in the Dotterel's tender with Mr. Protheroe, when he detained the American schooners Hero and Pilgrim?

Ans. Yes.

Relate all the particulars you know respecting their detention.

When running from Grand Passage to the Grand Menan, observed a schooner about two miles from the land, fishing. We boarded her, which proved to be the Pilgrim, American fishing schooner. I saw live fish on her deck. Mr. Protheroe detained her, and put two hands on board to take charge of her. We then made sail and boarded another schooner, the Hero. Mr. Protheroe detained her also.

Ques. Do you know what Mr. Protheroe detained her for?

Ans. No, I do not. I did not hear any questions put, as I was getting my clothes to go on board the Hero. We then made sail, in company with the tender and Pilgrim, and proceeded to Mason's Bay, at which place the Pilgrim effected her escape during the night. We afterwards went to St. John's, with the tender and Hero in company, at which place the Hero was delivered over to the custom-house.

We, the undersigned, have examined the aforesaid persons, belonging to H. M. sloop Dotterel, taking the minutes of their depositions respecting the detention of the American fishing schooners, "Hero and Pilgrim;" and we declare that their evidence has been taken in a very impartial manner, and the persons aforesaid have not been biased in any way whatever.

JOHN COOKE, *Sen. Lieut. H. M. sloop Dotterel.*

JAMES AZZARD, *Purser.*

RICHARD NOARE, *Commander.*

Evidence of Mr. Touzeau, Midshipman, and the crew of the yawl boat belonging to H. M. sloop Dotterel, relative to the detention of the American fishing schooners "Reindeer and Ruby"

Mr. Touzeau examined.

Ques. Was you in the yawl with Mr Jones when he detained the American schooners Reindeer and Ruby?

Ans. Yes.

Relate all the particulars relative to their detention.

I recollect while in Gull-Cove of having received information on a Sunday, from some men, and a Mr. Franklin, that several American fishing vessels were at anchor in Whitehead harbour, and that they anchored there the evening before; that on their anchoring, one of them fired three muskets, and said they were armed and manned, and would oppose our boarding them. I acquainted Mr. Jones of the information I had received, who went immediately in the small boat to cruise, and returned in the evening. He told me that he had boarded an English fishing schooner (Industry) near Whitehead, who gave him information that several American schooners were at anchor at Two Island harbour; and that they got their wood and water at Whitehead; they fired several muskets on their anchoring, and told the crew of the Industry, they would not allow a man of war's boat to board them; and after they completed their wood and

water, they shifted to Two Island harbour. We got under weigh the yawl about nine o'clock in the evening, and went towards Two Island harbour and anchored about two o'clock in the morning. At day-light we observed several vessels at anchor at Two Island harbour, and shortly after got underweigh; when we chased them, observed three of them lashed together, and all the crews collected on board the middle one; we ordered them to separate, which at first they refused to do, until Mr. Jones threatened to fire on them; they dropped clear of each other; we boarded them, and detained the American schooners Reindeer and Ruby; Mr. Jones asked the master of the other two American shallops, if they were willing to take the crews of the Reindeer and Ruby on board for a passage home; they answered they were willing to do so. Mr. Jones gave them as much provisions as they choosed to take, and put them on board, with the exception of the masters; about eight o'clock we made sail, Mr. Jones in the Reindeer and myself in the Ruby, for St. Andrew's; while beating up through East Quoddy about 6 P. M. when abreast of the harbour Delute, observed two schooners coming down towards us full of armed men, and wearing American colours, one of them making towards me, and the other to Mr. Jones. The one abreast of me ran alongside and boarded, with about forty-five men with pistols, swords, and muskets, and fixed bayonets; when they got on board they took possession of the Ruby, and took the arms from my crew. One of the men with his musket and fixed bayonet, made a thrust at one of my men, named James Lloyd, (marine) but Mr. Howard, leader of their party, parried the thrust off. The man again attempted to knock the marine down with the butt end of his musket, which Mr. Howard again parried off, and ordered him not to use violence against any of my men, as he had got possession of the vessel, and which was all they wanted; they then fired off all their muskets and pistols, which were loaded. I observed the other schooner fire off muskets likewise; then I asked for the arms of my crew, which they gave me; we then shoved off and left them; after we had left and rejoined the yawl, they fired several vollies of musketry on board both schooners all the way to Eastport.

Ques. What quantity of wood and water had the Ruby on board?

Ans. There were two casks with water on deck; but cannot say whether there was any below, nor can I say what quantity of wood there was on board.

Ques. How was the wind?

Ans. A moderate breeze from N. W.

Ques. How was the weather?

Ans. Fine clear weather till we had possession of the schooners, and then it came on foggy, and cleared off again in the afternoon.

Thomas Richardson (Seaman) examined:

Ques. Were you in the yawl with Mr. Jones when he detained the American schooners Reindeer and Ruby?

Ans, Yes.

Relate what you know respecting their detention?

I remember going in the small boat with Mr. Jones; after pulling some time, we launched the boat over a bar about half a mile broad, between two islands; and afterwards we boarded an English fishing schooner. The crew informed us that the schooners at anchor off Two Island harbour were American fishing vessels, and had the night before fired two guns, and defied any man of war's boat boarding them; and advised us not to attempt to board them in the small boat we were then in; we then returned to Gull Cove, and that night, with the whole of the crew in the yawl, and pulled during the whole of that night, and at day-light we were within 3 miles from four schooners at anchor a little more than a mile from shore; we observed them get under weigh, and three of them lashed alongside each other. Mr. Jones then desired them to separate, which they did not do for some time, when Mr. Jones threatened to fire on them; they then separated, and dropt astern of each other and anchored. We then boarded them, and took possession of the Reindeer and Ruby, and the crews; as I understood, with their own consent went on board of two other vessels. We then got the Reindeer and Ruby under weigh, and made sail for St. Andrews; when in East Quoddy, two schooners came towards us, fired a gun, and hoisted American colours; observed one of the schooners take possession of the Ruby, and the other came close to us, and desired us to heave too; I was at the helm when they fired at us, and the shot came close to me and Mr. Jones; there was but one musket on board us, which (Payne) a marine wanted to fire, but Mr. Jones desired him not; I observed the American schooner's deck full of armed men, with muskets, pistols, and carbines. After they fired at us, Mr. Jones gave up the papers to the master of the "Reindeer," who held them up in his hand to the Americans, and desired them not to fire, as he had possession of the vessel. We then went in the yawl for St. Andrew's; some of the Americans would insist on taking the yawl with them. I observed them fire volleys of muskets till after they had anchored "the Reindeer and Ruby" in Eastport.

Question. How was the weather when Mr. Jones detained the Reindeer and Ruby?

Answer. It was clear weather till after they were detained, when it became foggy.

Question. Do you know what quantity of wood and water the Reindeer had on board?

Answer. The quantity I cannot recollect, but we used from both.

James Lloyd (Marine) examined.

Q. Were you in the yawl with Mr. Jones when he detained the American schooners Reindeer and Ruby?

Ans. Yes.

Relate the particulars respecting their detention.

I remember a man at Gull Cove giving information of some schooners, (American) the particulars I do not know. We got under

weigh that evening, in the yawl, and pulled all night; after daylight we got close to four schooners, and observed three of them lashed alongside of each other, and the crews of these vessels, on board the large one in the centre. Mr. Jones ordered them to separate several times, and, at length, he said he would fire into them; they were very abusive to us: after a considerable time they separated, and we boarded them. Mr. Jones then sent me below to see if there were any fire arms on board the Reindeer; I found a musket with a double charge, and primed, and two powder horns full of powder, and about twelve or fourteen pistol balls. Mr. Jones detained two of them, with the consent of the masters of the other two vessels and the crew of the two detained, they were allowed to go on board and take what provisions they pleased; the masters of the vessels came on board and took green fish, pork, tea, and butter, molasses, flour, and bread. I was sent, with Mr. Touzeau, on board one of them, and got under weigh in company with the one Mr. Jones was on board of; and, in the afternoon of the same day, while beating up to St. Andrew's, abreast of Campo Bello, I observed three schooners and two boats; one of the schooners went towards Mr. Jones, and fired several muskets; went below to get my dinner, when Mr. Touzeau called us up to our arms, and asked me if my musket was loaded; I told him it was, and primed; he told me he thought they were American armed vessels coming to take us. I then asked Mr. Touzeau if I should fire; he said not till he gave me the orders. They came nearly along side us, and ordered us to heave too; they presented their muskets, with fixed bayonets, at us, and said, damn your eyes, if you don't heave too, we will fire into you. They sung out to the man at the helm, if he did not put the helm down, and lower the peak, they would shoot him dead on the spot. They then came alongside and boarded us, I think about forty men in number, all with muskets and fixed bayonets, except one, for our deck was full of armed men. They told me to deliver up my arms, or they would run me through; damn your eyes said one; and another said, I will blow your brains out. I replied, I am a king's man, and will not deliver up my arms, their leader drew his sword, and had a brace of pistols, desired the Americans not to hurt any of us; at that time a man made a thrust at me with fixed bayonet, which their leader parried off; the same man again made a blow at me with the butt end of his musket, which their leader again parried off; then their leader told me that I had better give up my arms, and he would be answerable for them, which I did—about this time they fired volleys of musketry. We then went on board of our boat, and observed them continue to fire as they were returning to Eastport.

Q. What kind of weather was it when Mr. Jones detained the Reindeer and Ruby?

A. Fine weather, with a light breeze, but came foggy after.

Q. Do you know what quantity of wood and water was in the schooner you were on board of?

A. Two casks and a half of water, and about a cord of wood.

John Cammish, Seaman, examined.

Ques. Were you in the yawl with Mr. Jones, when he detained the American schooners Reindeer and Ruby?

Ans. I was.

Relate the particulars.

I recollect Mr. Jones going out from Gull Cove, in the small boat, and returned in the evening. I heard him say that he had information of some American schooners. We were ordered to get our things in the yawl from the tent, and went out that evening. We pulled the greater part of the night, and anchored for about an hour and a half. At daylight, observed five vessels laying at anchor. When they saw us, they got under weigh. When we came near them, one of the vessels dropped her anchor, and two others lashed along side her; and the crews of these vessels went on board the centre one with their fish spears. Mr. Jones desired them to separate, which they did not do for a considerable time, until Mr. Jones threatened several times to fire into them; they separated, and we boarded the Reindeer, where I remained. Mr. Jones detained her and another vessel. By the wish of the crews of these vessels, and by the consent of the masters of the other two vessels, they were sent on board, with as much provisions as they wished. The masters of the two vessels not detained, came on board us in their own boats, and took the crews, with as much provision as they choosed, on board. We then got under weigh; the Reindeer for St. Andrew's, the Ruby in company. In the afternoon of the same day, observed two armed vessels. One of them came towards us and gave three cheers, and hoisted American colors; they called to us to heave to, and threatened to fire into us. Her decks were full of armed men, with muskets and fixed bayonets; there was also in company a large armed boat. The schooner fired two musket balls across our deck, and then Mr. Jones gave up the papers to the master of the Reindeer, who held them up in his hand, and called to the Americans not to fire, as he had possession of the vessel. The American schooner was then about half pistol shot from us. We were then ordered into the yawl by Mr. Jones; and observed them, in going to Eastport, fire volleys of musketry.

Ques. What quantity of wood and water had the Reindeer?

Ans. Three barrels of water, and a great deal of wood.

Ques. What weather was it when the two vessels were detained?

Ans. Fine weather, and light winds from northward and westward.

Richard Newland, seaman, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooners Reindeer and Ruby?

Ans. Yes, I was.

Relate the particulars.

Ans. I recollect a man coming to Mr. Jones, at the tent at Gull Cove, and informing him that some American fishing schooners had come into an anchorage not far from us, and fired their muskets, and

said they would not allow any man-of-war's boat to board them. They got their wood and water there, and got under weigh, and ran to Two Island harbor; laid there one day, and at night. I was left on shore, in the tent, and remember Mr. Jones going out in a small boat with four hands, and returned the same afternoon. We got under weigh that evening, in the yawl, and stood for Two Island harbor. The next morning, we fell in with four American schooners, and one English. When I first saw them they were at anchor, about half a mile from the land, in Two Island harbor. After they saw us, they got under weigh. On our chasing them, we fired, to bring them to; but, instead of complying, three of them ran along side each other, and lashed together. When we came close to them, Mr. Jones desired them to separate, and bring up. They refused to do so, and would not allow us to board, until Mr. Jones repeatedly threatened to fire into them; they dropped clear of each other; we then boarded the Reindeer, and Mr. Jones asked what they were doing there? They said they came in to land their gurry and offal of the fish, and get wood and water. Mr. Jones told them they had time enough to get their wood and water at White Island. Mr. Jones detained the Reindeer, and then boarded the Ruby, which vessel he detained also; and I was sent below, in the Ruby, to search for arms; found none; but found a frying-pan full of hot lead and a spoon in it, and some musket balls quite warm. I asked the master of the Ruby where his arms were? He said he had none, except one fowling-piece. I then asked him where it was. His reply was, he could not say, unless his boy had lost it or stowed it away in the salt room. When I asked their reason for lashing together and running the musket balls, they said they intended to keep us off; with their five-and-thirty men and eight muskets, they would easily have done so. I then asked them where their eight muskets were? They answered, they had eight muskets. The masters of the two schooners which were not detained came on board the Ruby, and took her crew with their clothes, and as much provisions as they wished for a passage to their home, by their own wish, and sanction of Mr. Jones. Afterwards, we got under weigh, in the Reindeer and Ruby, for St. Andrew's; and, the same afternoon, between Indian Island and Campo Bello, two schooners came towards us full of armed men. The one abreast of the Ruby gave three cheers and hoisted American colours, bore down and ordered us to heave to, which we refused doing until they threatened to fire into us. They came along side, and boarded with muskets and fixed bayonets, cutlasses and pistols. I do not know the number of men, but our decks were full. They took our arms from us, and discharged their own. We then were ordered into our boat, and I observed them firing volleys of musketry going in, and after they had anchored at Eastport.

Ques. Did you search the salt-room of the Ruby for arms?

Ans. No, I had not time.

Ques. How was the weather when the Reindeer and Ruby were detained?

Ans. Fine clear weather, with a little breeze, but came on foggy afterwards for two hours.

Ques. How was the wind?

Ans. I cannot recollect.

William Vickery (marine) examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooners Reindeer and Ruby?

Ans. Yes.

Relate all the particulars you know respecting their detention.

I recollect going out in the small boat from Gull Cove with Mr. Jones, and, after pulling for a short time, we launched the boat over a bar between two islands, and boarded an English fishing schooner. The crew informed us that two American schooners had anchored the night before, not far from where we laid, and that they fired their muskets and defied any man of war's boat to board them. The crew of the English schooner told us that we had better be well armed, as the Americans were prepared for us. We returned to Gull Cove, and, in the evening, went out with all the crew in the yawl; we pulled till about four o'clock in the morning. At daylight, observed some schooners at anchor; which vessels, shortly afterwards, got under weigh; and, as we went down towards them, I fired, by the direction of Mr. Jones, to bring them to. As we closed the vessels, three of them lashed along side each other, and put their crews on board the middle one. Mr. Jones desired them to cast off from each other; which they refused to do for some time, till he threatened to fire into them, when they separated, and we boarded the Reindeer, and Lloyd, a marine, was sent down to search for arms.—he found one musket, loaded. Mr. Jones asked the Master where the arms were that he saw. He said he had none. Mr. Jones then detained the Reindeer and Ruby; and, by the wish of the crews of the vessels, with the exception of the Masters, they were put on board the other two Americans not detained, with consent of the Masters, taking with them as much provisions as they chose. We then got under weigh in the Reindeer, with the Ruby in company. In the afternoon of the same day, when abreast of Campo Bello, I saw two schooners, one of which came towards us, fired a gun, and hoisted American colors, and ordered us to heave to, which we refused to do; and, after we tacked, they fired across our deck. After this, Mr. Jones delivered up the papers to the Master of the Reindeer, who held them up to the Americans, and desired them not to fire. We were then ordered by Mr. Jones into the yawl, and I observed them fire several muskets at a time, and the balls falling into the water, as they were going into Eastport.

Ques. What arms had the Americans?

Ans. I observed some men with crossbelts, bright muskets and fixed bayonets—others with muskets, swords, and pistols.

Ques. What quantity of wood and water had the Reindeer on board?

Ans. A cask full below, some on deck, and quantity of wood.

Ques. How was the weather when the Reindeer and Ruby were detained?

Ans. Fine weather, with fine breezes.

Ques. How was the wind?

Ans. I do not recollect.

Ques. Did you search the salt-room on board the Reindeer for arms?

Ans. No, I did not.

John Lloyd, seaman, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooners Reindeer and Ruby?

Ans. Yes. Relate the particulars. I went out with Mr. Jones from Gull Cove in a small boat, and after pulling for some time we launched the boat over a bar, about a quarter of a mile broad, between two Islands, and boarded an English schooner (Industry) of Grand Menan, and I heard the master inform Mr. Jones that some American fishing schooners had been in there on the last Saturday, and discharged three guns, and that several were now lying in a Bay further on, when Mr. Jones proposed to go after them in the small boat. The master of the Industry advised not to do so, as they were well manned. We returned to Gull Cove the same day, and in the evening went out with all the arms in the yawl, and at daylight next morning observed five schooners getting under weigh; we ran down to them and fired; observed three of them made fast to each other, the largest of them in the middle, with the crews collected on board of her. Mr. Jones ordered them to separate, which they hesitated to do for some time, and they appeared to be consulting together. After Mr. Jones threatened to fire into them they separated. We boarded two of them, the Reindeer and Ruby, and the crews of these vessels, with the exception of the masters, went on board the two schooners not detained, with as much provisions as they pleased; after this we got under weigh in the Ruby, and Reindeer in company, for St. Andrew's. On the afternoon of the same day, when abreast of harbour Delute, observed two schooners coming down from Eastport, full of men, one of them came towards us, and all hands hailing us to heave too, or they would fire into us; they ran alongside and boarded us, with about 30 or 40 men, with muskets and bayonets; as they were shearing up alongside, some of them sung out to fire at the officers, and fire at the man at the helm; they had their muskets levelled at us, when their leader (a young man) came amongst them and said, dont fire at all, and parried their muskets off. They took our arms from us, and drove us forward. I saw a scuffle between James Lloyd, a marine, and one of the Americans who wanted to take his arms from him. Mr. Touzeau told us to get into our boat, and I ob-

served them firing volleys of musketry and cheering on their way to Eastport, also observed firing on shore at Eastport.

Ques. What quantity of wood and water had the Ruby on board when detained?

Ans. Two or three casks, with plenty of wood.

Ques. How was the weather?

Ans. Very fine, with light breezes.

William Payne, marine, examined.

Ques. Were you in the yawl with Mr. Jones when he detained the American schooners Reindeer and Ruby?

Ans. Yes, I was.

Relate the particulars respecting her detention.

I recollect on Sunday going out from Gull Cove, with Mr. Jones, in the small boat, and after pulling for some time, hauled the boat over a bar; shortly after boarded an English fishing schooner belonging to Grand Menan; the crew gave us information that some American schooners anchored there on Saturday night, fired their guns, and said that they did not care for any man of war's boat whatever, as they were as well armed as the men of war's boats. I saw the schooners at Two Island harbour at anchor when on board the Industry; and her crew said, we had better not go to them in the small boat, that it was their determination to kill us. We then returned to Gull Cove, and in the evening of the same day got under weigh, in the yawl, with all the crew, and proceeded to Two Island harbour. About daylight next morning observed them get under weigh; we closed them and fired to bring them to. I then saw them closing together, and three of them lashed alongside each other; we ordered them to separate, which they seemed not willing to do. Mr. Jones threatened to fire into them; we had our muskets (two in number) pointed to the vessel; after being threatened several times, two of them, the Reindeer and Ruby, Mr. Jones asked them what brought them there; their answer was, they came for wood and water; Mr. Jones then said, when you had got it, what was their reason for not going away; their reply was, the breeze was so light they could not get out; the crews of their vessels with the exception of the masters, by their own request, went on board the two other schooners not detained, and were allowed to take what quantity of provisions they thought proper. I then went below with Thomas Richardson, to search for arms, by the direction of Mr. Jones; found a musket loaded in the cabin. Mr. Jones asked the master what became of their arms; he said, they were below; we then went again below for the same purpose. Mr. Jones again asked the master of the Reindeer, what became of the arms; his answer was, that they must have been hoisted overboard; he said we had got them yesterday killing ducks. Shortly after we got the Reindeer and Ruby under weigh, and proceeded for St. Andrew's; in the afternoon of the same day, when abreast of Campo Bello, saw a schooner coming down and run close alongside the Ruby, hoisted American colours; observed another standing towards us in the Rein-

deer; they gave three cheers, hoisted American colours, and hailed us to drop the peak of the mainsail; the master of the Reindeer said to us, you had better not fire on them, as they will kill every man of you, and he ran below; they came near us, and Mr. Jones said, come alongside us, which they were willing to do. I had my musket ready to fire, and asked Mr. Jones if I should do so, to which he objected, and said let them come alongside first; they then fired, and a ball passed close to us. Mr. Jones gave the papers up to the master of the Reindeer, who held them up to those on board the American schooner, desired them not to fire, and said that we would quit the vessel as soon as possible. We then got into the yawl and observed them firing different times going into Eastport.

Ques. When the schooner with American colors flying came close, did you observe they were armed?

Ans. Yes, they were, and the deck full of men, armed with muskets and fixed bayonets, carbines, blunderbusses, pistols, and swords.

Ques. How was the weather when the Reindeer and Ruby were detained?

Ans. Fine weather and a fine breeze.

Ques. What quantity of wood and water had the Reindeer on board?

Ans. Two casks of water on deck, and plenty of wood.

Ques. Did you search the salt room and the hold for arms?

Ans. No, I did not search the salt room aft, but did forward.

John Cheese (Seaman) examined.

Ques. Were you with Mr. Jones in the yawl, when he detained the American schooners Reindeer and Ruby?

Ans. No, I was not; I was one of his boat's crew, but was left behind at St. Andrew's.

We, the undersigned, have examined the aforesaid persons, belonging to H. M.'s sloop Dotterel, taking the minutes of their depositions respecting the detention of the American fishing schooners Reindeer and Ruby, and we do declare that their evidence has been taken in a very impartial manner, and that the persons aforesaid have not been biassed in any way whatever.

JOHN COOKE, Senior Lieutenant, &c.

JAMES AZZARD, Purser,

H. M. Sloop Dotterel.

RICHARD HOARE, Commander.

HIS MAJESTY'S SLOOP DOTTEREL,

Halifax, November 8th, 1824.

SIR: I beg leave to represent, in obedience to your orders of this day's date, directing me to give a statement of the facts, and under

what circumstances I detained the American fishing schooners at different anchorages at the Grand Menan, while cruising in the yawl, in pursuance of your orders, for the protection of our fisheries, that, on the 2d day of July last, on boarding an English vessel, I found a man named Wright officiating as pilot to carry her to Grand Harbor, who told me that he belonged to the American fishing schooner Rebecca, then at anchor at Woodward's Cove, and that they came there for water. Satisfied with his assertion, I continued cruising, and, shortly after, I observed the American vessel getting under weigh, leaving the said man (Wright) behind. I ran down towards her, they not heaving to after we fired several shots across their bow. I chased her over to the Nova Scotia shore, where I lost sight of her. On the 6th following, I found the said American schooner Rebecca at anchor cleaning fish, and throwing the offals overboard, and the aforesaid man (Wright) on board. It being fine weather, and they having three barrels of water on board, with a sufficient quantity of wood, I detained her and took her to St. John's.

On the 15th of the same month, I found the American fishing schooner William anchoring in Gull Cove; the weather was fine until after she got in, when it came on foggy with light breezes, and they having two barrels of water on board, which myself, Mr. Touzeau, and boat's crew, subsequently used from, and plenty of wood, I detained her. Having found the American schooner Rover, of Addison, Crowley master, landing a great part of her cargo of green fish to a Mr. Fowler's, at Gull Cove, I made the William's boat fast to the yawl for the night, to prevent their crew from doing the same. As for their getting water about sunset, and a vessel to anchor alongside of them, Mr. Touzeau and I know it to be impossible, as I had a sentry planted on shore about two cables' length from them; and, if they received any water after dark, it was done as a pretext, for the boat's crew were witnesses to the water I found on board when I first boarded her; and, that I threatened to confine the master to the deck, and lash a pump brake across his mouth, as stated in their protest, that is false. On my first boarding her, with only three men in our small boat, they were very abusive to us, and one of them said, if they were all of his mind, they would heave that fellow overboard, pointing to me. I told him if he did not keep quiet, I would lash him to the deck. At 3, P. M., same day, 15th, I received information from the fishermen at Gull Cove, as well as from the master and crew of the fishing schooner Minerva, of Grand Menan, that an American schooner was at anchor at Beal's passage. I went out from Gull Cove and saw her there; at nine o'clock in the evening, I boarded her, which proved to be the American fishing schooner Galeon, and found all the crew asleep. On questioning the master the reason of his being there, he told me he came to throw the gurry, offal of the fish, overboard. They not being in want of wood or water, and a fine fair wind for them, I detained her, got her under weigh, and ran for Gull Cove, a direct course for their fishing ground. What the crew of the last mentioned vessel asserted in their protest is not true.

I never said that I would release their vessel; but told them it was not in my power to do it, as they had decidedly violated the Treaty of Convention between England and the United States; but, as they pleaded poverty, saying their vessel was their sole support, I told them I would recommend their case to Capt. Hoare of the *Dotterel*, my commanding officer. Both schooners, *William* and *Galeon*, I took to St. Andrew's next day. On the 25th of the same month, I received information from the master and crew of the fishing schooner *Industry* of Grand Menan, that several American fishing schooners were at anchor at Two Island Harbor, and that two of them, namely *Reindeer* and *Ruby*, of Lubec, were at White Island Harbor on the 24th, where they got their wood and water, and that, on their anchoring there, they told them and the inhabitants they were armed, and would not allow any man of war's boat to board them; and, after they had their supplies, they shifted to Two Island Harbor. At daylight, the 26th, observed four schooners at anchor at Two Island Harbor, which got under weigh on our appearance. When I got close, three of them, they lashed alongside each other, and all hands, about thirty in number, went on board the middle one, with fire arms and fish spears. I desired them to separate, which they refused to do until I threatened to fire on them. On boarding them, they proved to be the *Reindeer*, *Ruby*, *Friends*, and *Diligent*, American fishing schooners. It being fine weather, and they not in want of wood or water, I detained the *Reindeer* and *Ruby*, and, by the sanction of the masters of the *Diligent* and *Friends*, I put the crews of the *Reindeer* and *Ruby* on board of them, with as much provisions as they wished to take, and on our passage to St. Andrew's, the said schooners *Reindeer* and *Ruby* were forcibly taken from me by armed vessels under American colors, as stated in my letter of the 27th of July last.

I have the honor to be, &c. &c.

JOHN JONES,

Master of His Majesty's sloop Dotterel.

RICHARD HOARE,
Commander.

HIS MAJESTY'S SLOOP DOTTEREL,

9th November, 1824.

SIR: In obedience to your orders, I herewith add a statement of the *Pilgrim* and *Hero*, American fishing schooners.

On the 16th of June, last, I observed these schooners lying off the Grand Menan, and upon approaching them, one of the schooners got under weigh and stood in for the shore; 3 30, P. M. observed the schooner under weigh heave her lines overboard, and haul in fish, the schooner then within one and a half mile of the island; 3 40, fired and brought to the schooner; 3 45, boarded the *Pilgrim*, then about one mile, or one mile and a quarter from the shore; she had on board.

fish, alive; took possession of her for a breach of the treaty. I then stood to the N. $\frac{1}{2}$ E. and boarded the *Hero*, who had made sail from in shore. Whilst I was on board the *Pilgrim*, and finding she was in want of nothing, I inquired what she had been doing so near the shore with her sails down, to which I was informed by one of the crew, they had been cleaning their fish on shore; in consequence of which, and having seen her within one mile of the land, I took possession of her also; stood in, and anchored in Long Island harbor. Thursday, the 17th, being for the most part of the day, calm, I remained at anchor. Friday, the 18th, at 7 A. M. weighed and stood for Beaver harbor; from 9 to 12, calm; 3 P. M. observed two schooners under the *Eastern Wolf*, then about one mile distant. It being calm at the time, I ordered the master of the *Pilgrim* to send me her small boat, not having one myself; upon receiving which, I ordered one of my seamen and one marine, armed, into her; the boy who brought the boat, I told to remain on board until I returned, but on his expressing a wish to go, and knowing he was more acquainted with her than any of my men could be, I agreed that he should pull, and ordered my seamen on board: part of the way I pulled, and part of the way the marine pulled with the boy. When I returned, there being no appearance of wind, I ordered the schooners *Pilgrim* and *Hero* to follow me and anchor under the *Eastern Wolf* for the night. Saturday the 19th, it being calm, did not weigh until 11 A. M. then a light breeze; stood for Beaver harbor; where I anchored at 3 P. M. with an intention of waiting for the *Dotterel's* arrival; therefore, unbent sails, and caused the *Pilgrim* and *Hero* to do the same. Sunday, the 20th, 11 A. M. observed the *Dotterel* pass in the offing to the Eastward; bent sails, and desired the *Pilgrim* and *Hero* to do the same. 12 20 P. M. weighed, schooners in company, beat out of the harbor, but finding the *Pilgrim* and *Hero* could not, I bore up, stood in, and anchored, schooners in company. Monday the 21st, at 7 A. M. weighed with light airs, schooners in company; beat up and anchored in *Mason's bay* at 8 30 P. M. Tuesday the 22d, at 2 30 A. M. the sentry reported one of the schooners was gone. Wednesday the 23d, fresh gales until 10 A. M. then light airs, with heavy rain; still at anchor. Thursday the 24th, at 9 A. M. weighed, with light airs, and stood for *Point La Pro*, *Hero* in company, but falling calm, were obliged to put into *Dipper harbor*. Friday the 25th, heavy rains with strong breezes from the Eastward; remained at anchor. Saturday the 26th, weighed, but were obliged to put back again. Sunday the 27th, weighed, and ran up to *St. John's*.

I further beg leave to state, that I did detain on board the crews of the *Pilgrim* and *Hero*, having no authority for acting otherwise; that *Winslow*, in *Beaver harbor*, said he was aware of having fished within the limits, and if I would allow him and crew to go home, he would give up his schooner, and never again ask for her. Part of the men were at times on board my boat, and living the same as my boat's crew, who had the allowance of the British navy, excepting spirits, which had been all used: to make up for which, I gave from my pri-

vate stock, to those of the schooners who were on board my boat. I never asked them to do any duty on board my boat; nor did I at any time, make use of harsh or menacing language. The duty done by the persons taken out of one or either of the said schooners, was a perfect voluntary act of their own. The arms spoken of, were taken from the Pilgrim, through expressions made use of by Winslow, for safety. Powder, a quarter of a pound; shot, about one pound; the arms were delivered to the gunner. The papers of each schooner were delivered to the Custom House at St. John's.

I have the honor to be. &c. &c. &c.

S. R. PROTHEROE, *Mate.*

R. HOARE, *Commander.*

HIS MAJESTY'S SLOOP DOTTEREL,

Hulifax, November 25, 1824.

Rear Admiral LAKE, &c. &c.

SIR: According to your direction, I have made the strictest investigation, and enclose the reports of Mr. Jones, master, and Mr. Protheroe, mate, also, the testimony of the several men belonging to their boats, relative to the several American fishing vessels they had seized, which, I trust, will be sufficient proof of the propriety of detaining those vessels; and, as the American fishermen do not keep any journal or log, there cannot be possibly any proof, but the crews of the boats detaining them and the Americans, it is not to be supposed that the latter will acknowledge to have violated the treaty existing between the two Governments relative to the fisheries. I think you will perceive a consistency throughout the several reports of Messrs. Jones and Protheroe, that will bear the stamp of truth—why should they detain these vessels if they had not violated the laws? It could not be for their value, they had little or nothing in, and they knew if they were condemned and sold, they would sell for a mere trifle, the best of them not more than forty dollars; there were many other American fishing vessels of much more value which they might have seized, if it was merely to annoy them, or for the sake of what they might sell for; but it is known every where in the bay of Fundy, that the American fishermen have invariably made use of the several harbors in the Menan, as if those islands formed a part of the United States, they come in and haul their nets, and there are many instances of their having cut away the nets of the Islanders, and I was informed by the fishermen at the Menan, previous to leaving the Bay of Fundy, that they had taken treble the quantity of fish this year to that of any preceding year since the war, and they ascribed it entirely to the American fishermen having been kept without the distance prescribed by treaty, (three marine miles) from the shore. The former cruizers in the Bay of Fundy, (vide Capt. Arabin's letter dated H. M. sloop Argus, off Bermuda, December 17, 1822,) have not paid much attention to the fisheries off Menan, and consequently, the American fishermen have gone into the harbors whenever they

pleased, and being more numerous than the inhabitants, have overawed them; but I have been informed by some of the fishermen resident there, that more than once they have had it in contemplation to represent the conduct of, and the injury they have sustained from, the American fishermen, but their living remote from each other, and no educated persons among them, they have been at a loss how to draw up a petition, or who to apply to for redress.

As all the vessels alluded to in the papers sent by Mr. Addington, were taken by the boats, I cannot myself, make any observations on their capture, but shall confine myself to a few remarks on the protests of the American fishermen, and to answer the complaint you have called my particular attention to.

Why do not the crews or owners of the American fishing vessels, detained for violating the treaty, come forward when these vessels are adjudged in the Vice Admiralty Court, and produce such evidence as would clear them; they say, to claim their vessels in the Vice Admiralty Court of New Brunswick, would be total loss; the fact is, it would not answer their purpose so well; they are well aware that witnesses could be produced that would falsify their testimony; the fishermen at the Menan would immediately come forward to witness the facts of their being in their harbors, and draining their nets, when not in want of an article of provisions or fuel; but the Americans are aware that when their protest comes before the Commander in Chief of this station, the vessel of war will have left the Bay of Fundy, and that there will remain but the testimony of the officer and boats' crew that detained them, which they will take care to out number. If the Vice Admiralty Courts of New Brunswick are conducted illegally and wrong, should they not make a representation to the British Government, that they may be better conducted? How is the Captain of a man of war, stationed in the Bay of Fundy to act, if the proceedings in the Vice Admiralty Court are to be considered illegal and void, merely from the protest of some American fishermen?

What are the Vice Admiralty Courts instituted for, but to try causes, and decide whether the capture is just; and I should conceive that where they have passed judgment, the Captain of the seizing vessel is released from further responsibility: sufficient time is allowed all parties, to procure and produce evidence, and if they do not come forward, is it not a tacit acknowledgment of the badness of their cause—and such is the case with these American fishing vessels; they have asserted many things that are wholly false. It is said, in the memorial A, "that nine sail of American fishermen had been captured and sent into the province of New Brunswick, while others had been converted into tenders without trial, for the purpose of molesting our fishermen; they have insulted and abused the crews, turned them on shore in a foreign country, entirely destitute, and without the means of returning to their homes."

That any American fishing vessel detained by the Dotterel, or her boats, has been converted into a tender for the better molesting their

fishermen, is wholly false; that the crews have, to my knowledge, been insulted and abused, must be a gross and wilful perjury; it had always been the custom, I understood, to allow the crews of the vessels detained to take their clothes and such provisions as they pleased, and find their way to the States. I have sometimes offered to carry them back, when I returned to Passamaquoddy: they have invariably been allowed to take away every thing they could claim as their private property, and the whole of their provisions on board their vessel, with which they paid their passage back to their country.

And in the memorial C, it is said, "that the American fishermen have no occasion nor inducement to violate the provisions of the aforesaid convention, nor have they, as we firmly believe, given, in any instance, just cause of complaint."

It is a well known fact, that the American fishermen leave their fishing ground every Saturday (when there is not a man of war or her boats in the neighborhood) and anchor in some of the harbors of the Menan until the Monday, bringing in the fish offal with them, and throwing it overboard on the inner banks, by which they drive the fish off those banks, and they haul their nets during the Sunday, and catch sufficient bait for the ensuing week. This, they suppose is not known: for they are not ignorant that this is a violation of the provisions of the convention; the fact is, they want, by causing much trouble, to deter the man of war, stationed in the Bay of Fundy, from interfering with them at all.

That the brig's barge has come into the wharf at Eastport and taken and carried away two boats laden with flour, Lieut. Driffield's letter on that subject will, I think, completely invalidate that charge.

That the Hero, American fishing vessel, captured on the 16th June, has not been sent in for trial, but is armed, and is still used as a tender to the Dotterel, is entirely false. She was not used by me to annoy a single American vessel; and on her arrival at St. John's, was delivered over to the Collector of the Customs, and ought long ere this, to have been adjudged in the Vice Admiralty Court. "That the officers having charge of the armed boats of the Dotterel, ordered to cruize round Grand Menan and Campo Bello, have written instructions which have been exhibited, to seize and send into St. Andrew's all American fishing vessels found within three marine miles of the said island." My order to the officers of the boats has been, that any American vessels they may find within three marine miles of the shore, except in evident cases of distress, or in want of wood or water, they are to detain and send or carry them to St. Andrews.

I have the honor to be, &c. &c. &c.

RICHARD HOARE,
Commander.

